IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5424 of 2007()

CRIME NO. 170/05 OF MUNNAR POLICE STATION
CC.286/2007 of J.M.F.C.- I, DEVICOLAM

.....

PETITIONER

WILSON JOSEPH, S/O JOSEPH,
KRUPALAYAM HOUSE, V.P. IV/584,
AALUVILA ROAD, VATTIUOORKAVU BHAGAM,
TRIVANDRUM.

BY ADV. SRI.JACOB CHACKO

RESPONDENTS:

C.I OF POLICE, MUNNAR, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 5424 of 2007

- -

Dated this the 18th day of September, 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable under Section 379 r/w. 34 I.P.C. He is the first accused. He was granted bail by the learned Magistrate. But subsequently he did not appear before the learned Magistrate. He has since been arrested and produced before the learned Magistrate on 13.8.2007. The trial is in progress. Charges have already been framed.

2. The learned counsel for the petitioner submits that the petitioner is innocent. His omission/failure to appear earlier was not wilful. The petitioner will faithfully appear before the learned Magistrate on all dates of posting, it is submitted. In these circumstances, it is prayed that the petitioner may be enlarged on bail.

3. The learned Prosecutor vehemently opposes the application. The facts and circumstances of the case may be carefully considered. The petitioner is involved in other crimes. He is involved in inter-State offences in respect of vehicles. Release of the petitioner on bail at this stage would hamper the progress of the trial. The case has

already been listed for trial. Bail may not, in these circumstances, be granted to the petitioner, submits the learned Prosecutor.

4. In the nature of the submissions, a report was called for from the learned Magistrate. The learned Magistrate in the report dt.15.9.07 submits that the case stood posted for trial to 20.9.2007 and undertakes that the case shall be disposed of within a period of two months.

5. I am satisfied, after considering all the relevant inputs, that there is merit in the opposition by the learned Prosecutor. I am satisfied that the learned Magistrate can now be directed to dispose of the case as expeditiously as possible, at any rate, within a period of two months from this date. Compliance shall be reported to this Court. If the case is not disposed of by 30.11.2007, the petitioner shall be at liberty to move this Court for bail again.

6. This application is dismissed with the above observations.

(R. BASANT)
Judge

tm